

ORIGINAL

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of

1988 Biennial Regulatory Review -  
Amendment of Part 0 of the  
Commission's Rules to Close the  
Wireless Telecommunications  
Bureau's Gettysburg Reference  
Facility

)  
)  
)  
)  
)  
)  
)

WT Docket No. 98-160

**RECEIVED**

**NOV 19 1998**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Commission

REPLY COMMENTS

Dennis C. Brown  
Brown and Schwaninger  
1835 K Street, N.W.  
Suite 650  
Washington, D.C. 20006  
202/223-8837

Dated: November 19, 1998

No. of Copies rec'd 0+9  
List ABCDE

## Table of Contents

Summary of the Filing	
A Byte of History . . . . .	2
A Practical Demonstration . . . . .	5
An Insoluble Problem . . . . .	8
Incorrect Assumptions Underlie The Proposal . . . . .	10
The Rule Should Reflect The Proposal . . . . .	12
The Public Interest Would Not Be Served . . . . .	12
A Cost Study Would Be Required . . . . .	13
The Cited Basis For The Proposed Action Does Not Exist . . . . .	14
Conclusion . . . . .	16
Exhibits	

## SUMMARY OF THE FILING

Dennis C. Brown and Robert H. Schwaninger, Jr. d/b/a Brown and Schwaninger hereby file our Reply Comments in support of Comments filed by Blooston, Mordkofsky, Jackson & Dickens and by Comsearch. We respectfully extend and expand upon those Comments.

The Commission's electronic data bases and the Commission's data search programs are not yet sufficiently developed for the Commission to consider closing the Gettysburg Public Reference Room. We demonstrate some of the current deficiencies.

Closing the Gettysburg Reference Room would unreasonably impair an interested person's ability to file a timely petition to deny an application or a petition for reconsideration of the grant of an application. Reliance on the Freedom of Information Act would not provide reasonable opportunities for protest of applications or actions.

The Notice of Proposed Rule Making did not demonstrate an appreciation of the continued need for access to historical application and licensing information. If frequency relocation in the 800 MHz SMR band is to proceed expeditiously, continued immediate access to the information at Gettysburg will be required.

The proposed rule amendment should reflect the NPRM. The revised rule should assure access to all information via the Internet.

Section 11 of the Communications Act does not provide a basis for the proposed action.

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**RECEIVED**  
**NOV 19 1998**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
1988 Biennial Regulatory Review - ) WT Docket No. 98-160  
Amendment of Part 0 of the )  
Commission's Rules to Close the )  
Wireless Telecommunications )  
Bureau's Gettysburg Reference )  
Facility )

To: The Commission

**REPLY COMMENTS**

Dennis C. Brown and Robert H. Schwaninger, Jr. d/b/a Brown and Schwaninger ("we") hereby file our Reply Comments in the above captioned matter. In support of our position, we show the following.

We vigorously support the Comments filed in the above captioned matter by Comsearch and by Blooston, Mordkofsky, Jackson & Dickens (BMJD). For the past 12 years, we have maintained a daily presence in the Gettysburg Reference Room, obtaining complete and accurate information from the Commission's files. We maintain an office in the same building as the Commission at Gettysburg and have employed the same full-time Gettysburg research assistant for the past 12 years. Accordingly, we are qualified to support the Comments of Comsearch and of BMJD and to provide additional information for the Commission's consideration.

We have daily experienced all of the problems described in BMJD's Comments. Specifically, the information which is available on the Commission's Internet Web site

(GENMEN) and on the Universal Licensing System often does not agree with the information which is available at Gettysburg; the information available on the GENMEN or ULS is not complete with respect to crucial elements of information which is currently available only at Gettysburg; and the programming of the Commission's database and search engines is not yet ready for prime time.<sup>1</sup> In short, the data isn't ready and the search programming is not ready for closure of the Gettysburg Reference Room.

### A Byte Of History

The Commission's NPRM is unclear as to what facilities and services are within the scope of the "Gettysburg Public Reference Room". From our perspective, the Public Reference Room includes a small bank of computers; a few desks; a copying machine; and a counter at which we request and obtain documents and other information concerning pending applications, granted licenses, and related matters which is kept at the Commission's Gettysburg office; and some of the most helpful people in the United States Government.

It may be useful to review the progress which the Commission has made in providing access to information at its Gettysburg office. When we first became involved with the Gettysburg office, when it was situated at Red Patch and for a time after it moved to the Shoe Factory site, the Commission maintained information concerning the status of pending

---

<sup>1</sup> At Exhibit I, we present pages from the Commission's Universal Licensing System. The graphic at the top of the first page correctly represents the fact that the Commission has not yet put the pieces of the puzzle together.

applications on strips of paper held in books of metal frames. Access to that information was entirely manual. As the Commission progressed, it began to store status information electronically. Then, the Commission began entering application data into the computer manually and began processing applications from the computer, rather than from paper. Now, the Commission has advanced to receiving replicas of applications electronically from frequency coordinators and applications directly from the public. Parallel to that strand of improvement has been a need for access to paper documents and access to other information which is not stored electronically. Providing electronic access to information concerning pending applications and granted licenses does not relieve the need for continued access to other information via the Gettysburg Public Reference Room.

While the Commission has made substantial progress in the processing of routine applications, it has developed a, frankly, less enviable record of processing non-routine applications. Non-routine applications are often assigned a status of "Legal" or "Engineering" review, sometimes remaining in limbo for years, with no more definitive report of status available to either the applicant or the protestor. The backlog of undecided matters which has developed within the Wireless Telecommunications Bureau has been widely reported.<sup>2</sup> The number of applications which have fallen into a black hole, a gravitational well from which not even light escapes, has begun to impose a great burden and a great source of uncertainty to American business. While the Commission clearly needs to make skilled personnel available

---

<sup>2</sup> In one recent instance, undersigned counsel received in September 1998 a letter from the Wireless Bureau which began, "this responds to your letter dated December 20, 1990".

for additional tasks, it needs to improve the operation of its Gettysburg Public Reference Room, rather than close it. The public needs desperately for the Commission to develop a method of providing meaningful information to interested persons concerning the status of pending applications, especially those applications which are not routine and which require more extensive analysis. Before it considers any further the thought of closing the Gettysburg Public Reference Room, the Commission needs to improve the quality and meaningfulness of access to information concerning the status of pending applications. In short, the public needs to be able to ask a human, "What is the problem?" and receive an answer which is directed toward solving the problem, rather than electronically fending off the request for meaningful information.

Provided that the Commission makes available on the Internet ALL of the information which is included in an application and continues to respond promptly to requests, in person, at Gettysburg for copies of documents and other information which is not electronically available, we would have no objection to the Commission's removing the computers and reducing the room to a table, a chair or two, and a copier. We would have serious objection were the Commission not to continue to make inspection of paper documents available upon request at the counter of its Gettysburg office.

Continued operation of the Gettysburg Public Reference Room does not impede, in any way, continued progress toward electronic filing and electronic access to information. The

Commission can approach perfect public access to electronically maintained information, while continuing to provide ready access to information which is not electronically available.

### A Practical Demonstration

To demonstrate the current inadequacies of the proposed alternative to continued operation of the Gettysburg Reference Room, we used the GENMEN and the ULS systems to inquire concerning one of our clients, Fred Daniel d/b/a Orion Telecom, which is licensee of and applicant for Marine Coast stations. Exhibit II hereto shows the results when we asked GENMEN to find records indexed by Orion Telecom.<sup>3</sup> Exhibit II correctly shows six granted licenses. The Pending data base contained 67 records, most of which were entered with the Licensee Name as Daniel, Fred and the DBA Name as Orion Telecom. The report includes one record in which the Licensee Name was entered by the Commission as Fred Daniel, and seven entries in which Orion Telecom appears to be doing business as Fred Daniel.

Exhibit III consists of the GENMEN reports resulting from searches by the licensee name Daniel and by the name Daniel, Fred. The report correctly shows six granted licenses. However, when the Pending data base was researched by Daniel or by Daniel, Fred, eight pending applications were missing from the report.

---

<sup>3</sup> Searching by Orion with the wildcard box check yielded the same substantive results.

At Exhibit IV, we asked GENMEN to tell us about licenses and applications indexed by Fred Daniel. GENMEN reported not 67, nor 59, but only eight, pending applications, and no granted licenses.

The licensee name Daniel, Fred produced results, so we tried searching by the licensee name Daniel Fred (without the comma). GENMEN reported no records found. Clearly, the search functions of the GENMEN Internet system need to be improved substantially before the Commission can reasonably consider closing the Gettysburg Reference Room.

As shown by Exhibit I hereto, under the title "Using ULS Application Search", the Commission acknowledges that "currently, only a subset of Wireless applications are available for viewing through Application Search". The Commission similarly recognizes that "only a subset of Wireless licenses are available for viewing through License Search". When we asked ULS to find stations indexed by the same Orion-related names we used with GENMEN, ULS had no information to offer concerning either granted licenses or pending applications. Had we relied on ULS, we would have had to conclude that Fred Daniel was not recognized as a Marine Coast licensee or applicant.

Not included in any of the GENMEN reports of granted licenses were special conditions appearing on the license documents of Fred Daniel d/b/a Orion Telecom. Since ULS had no record of Orion licenses, we cannot comment on whether special conditions would have been reported by ULS.

Applications for stations such as requested by Orion Telecom are subject to requirements that the Commission place them on public notice and provide an interested person with an opportunity to file a petition to deny the application. Recently appearing on public notice was Orion Telecom's application for a new station at Perrinville, New Jersey, file number 852282. Exhibit V presents the GENMEN record for that application. To avoid burdening the Commission's record, we shall not include at Exhibit V the complete Perrinville application, which is 52 pages long, including an extensive engineering statement and two maps on which are plotted contours of the potential for interference. At the Web site, GENMEN did not even provide an indication to the user that the application includes an engineering statement or maps. GENMEN also did not provide a record of the fact that we represent Orion Telecom with respect to the application.<sup>4</sup>

Blooston, Mordkofsky, Jackson & Dickens showed, and we have extended the showing, that the Commission does not currently provide electronic access to all portions of even an electronically filed application. More than that, the Commission has not demonstrated an ability to provide access electronically to all portions of an application. For textual attachments and exhibits, the Commission currently scans such documents and performs computerized optical character recognition (OCR). However, OCR, without diligent manual correction, has not been shown reliably to produce a true and accurate copy of an original document. Consequently, when reviewing a scanned and OCR'd attachment, an interested person cannot be certain

---

<sup>4</sup> Such information is crucial to an attorney's meeting requirements for service of documents on counsel.

whether an obviously inaccurate statement therein is inaccurate because the applicant made an error or whether the Commission's processes introduced the error. Therefore, until such time as the Commission develops the means to provide accurate access to all portions of an application, it should not consider closing the Gettysburg Public Reference Room.

For graphic attachments, the Commission has not demonstrated an ability to provide electronic access to such information. Graphic exhibits are required in many of the Wireless Services to demonstrate compliance with rules governing permissible signal strength and protection against interference. With respect to many such applications, requirements for public notice and a limited period of time within which to file a petition to deny the application are applicable. Until such time as the Commission has perfected a method by which electronic access can be obtained to all portions of an application in time to provide a reasonable opportunity for the filing of a petition to deny, the Commission has no reasonable choice but to continue to operate the Gettysburg Public Reference Room.

#### An Insoluble Problem

Were the Commission to close its Gettysburg Reference Room, the demonstrated inadequacy of the Commission's dial-up databases would effectively preclude the right of an interested person to file a competent petition to deny an application. Since the Commission's dial-up databases do not inform the user of the existence of additional information, an interested person who did not know that the Commission's dial-up databases were not complete would not be adequately informed by the Commission to file a competent petition. An interested person

who knew that there should be additional information would face an insoluble problem within the Commission's Rules.

The Commission's Public Notice of applications such as Orion Telecom's provides a period of 30 days within which to file a petition to deny. If the Commission were to close its Gettysburg Reference Room, then a person desiring to obtain a copy of an application would have to file a Freedom of Information Request with the Commission's Washington, D.C. office.<sup>5</sup> Because it would be necessary for the Commission to "search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request," 47 C.F.R. §0.461(g)(1), the Commission would have 20 working days within which to respond to the FOIA request. In the best case, an interested person would be left with only four days (some of which might well be weekend days) within which to prepare and file a petition to deny an application which was on file at Gettysburg.<sup>6</sup> While computers and communications have increased the speed with which some types of work can be done, they have not improved the speed of human thought or the quality of technical and legal debate before the Commission. Where it is necessary to obtain an engineering study to support a petition to deny

---

<sup>5</sup> At paragraph 10 of its NPRM, the Commission stated that "the Wireless Bureau's staff in Gettysburg would continue to accept requests to retrieve documents available for public inspection," however, the proposed rule amendments made no provision for such access to information. In the absence of a rule specifically providing for access to information at the Commission's Gettysburg office, an interested person's only recourse would be to the Commission's Rules under the Freedom of Information Act.

<sup>6</sup> While an interested person might choose to hire the services of the Commission's contract copier, 47 C.F.R. §0.465(c)(1) provides that a person is not required to use the contract copier's service to inspect the Commission's records.

an application, substantially more than four days is needed to allow performance of the study, preparation of the engineering report, analysis of the report, and preparation of a petition to deny.

Section 405(a) of the Communications Act of 1934, as amended, provides a period of 30 days within which to file a petition for reconsideration of the grant of an application. A person who needs to file a petition for reconsideration of the grant of an application needs more than four days to analyze the facts, obtain any necessary additional information, and prepare a competent petition. Unless the Commission is prepared to request amendment of Section 405(a) to extend the statutory period for the filing of petitions for reconsideration, the Commission should not frustrate the timely filing of such petitions by closing its Gettysburg office.

The limitation which closure of the Gettysburg office would impose on the right of an interested person to protest an application or file a petition for reconsideration would be unreasonable and of doubtful constitutionality. To avoid such an imposition on the public, the Commission should not close its Gettysburg office.

#### Incorrect Assumptions Underlie The Proposal

The Commission's Notice of Proposed Rule Making appears to proceed from the incorrect assumption that only pending applications are of interest to the public, and that only pending applications and granted licenses are of any significance. In countless instances, the information included in a long-granted application may be of continuing significance to many

persons. For a person to buy or sell a radio station, it is necessary for each party to exercise due diligence in establishing the facts on which it relies in the transaction. To establish the assignability of a license, it is often necessary to review the documents by which the Commission granted the license. Since the Commission has given no indication of an intent to make such historical information available electronically, then to continue to make such information available to the public, the Commission needs to continue to operate its Gettysburg Reference Room.

There is no definable limit on the period of time within which an interested person may need access via the Commission to a granted application. The Commission occasionally makes a ministerial error in the processing of an application. In such case, there is no limit on the times at which correction of the error may be requested and made. To provide interested persons with an opportunity to demonstrate that a ministerial error was made, it is essential that the Commission continue to provide access to granted applications, including both applications filed electronically and applications filed on paper.

The ability of an interested person to obtain and review a granted application promptly is of special importance in the present era of consolidation in the industry and in the face of frequency relocation of incumbent licensees in the Upper 200 channels of the 800 MHz SMR band. Economic Area licensees have the right to relocate incumbent licensees from the Upper 200 channels. For the Economic Area licensee to be able to prove that it has clear title to the channels which it would use for relocation, and for the incumbent licensee to provide that it has

clear title to the frequencies for which it appears to hold authority, it will be of continuing importance that all interested parties have ready access to granted applications and historical license information which is currently available only at Gettysburg. If frequency relocation is to proceed in accord with the Commission's schedule, it will be of great importance that the Commission maintain its Gettysburg Reference Room so that historical information is readily available. Similarly, if the Commission is not to obstruct the ongoing consolidation of the telecommunications industry, the Commission needs to continue to operate the Gettysburg Reference Room.

#### **The Rule Should Reflect The Proposal**

The Commission was not entirely clear in its Notice of Proposed Rule Making with respect to the manner in which it will make information available electronically. While much of the NPRM is premised on the availability of information via the Internet, the text of proposed Rule 0.453(o) provides no assurance that the Commission will continue to make any information available via Internet. To meet the objectives of the rule making proceeding, the Commission should revise the proposed rule to provide assurance that all license and application information will be available to the public via Internet.

#### **The Public Interest Would Not Be Served**

Absent from the Commission's NPRM is any statement of any benefit which closure of the Gettysburg Public Reference Room would provide either to the public or to the Commission. Providing access to information via the Internet certainly benefits both the public and the

Commission, but electronic access to a limited segment of the Commission's information is not a sufficient solution to the problem of providing access to the public for all of the application and licensing data held at the Commission's Gettysburg office. The Commission can continue to expand the availability of information via the Internet without known limit, and we strongly support such improvements, but until such time as all information concerning applications and licenses is available via the Internet, the public interest would not be served by closure of the Gettysburg Public Reference Room.

#### A Cost Study Would Be Required

The NPRM did not discuss the charges which the Commission would impose for access to the electronic data. The Commission currently provides data at no charge on its Internet website, but apparently intends to charge \$2.30 per minute for access via the ULS on the Commission's wide area network. Before proceeding further, the Commission needs to undertake a two-pronged cost study to determine whether and at what price level to charge for access to application and license information. The first prong of the study should be a study of the costs of providing the data. The second prong of the study should be a comparative market study.

The rate which the Commission currently charges for access to its wide area network appears to be arbitrary and capricious when applied to application and license data. The Commission needs the network and the data for its own purposes and providing public electronic access to the data involves only a marginal additional cost. That the Commission has

demonstrated the capacity to provide access to the data via the Internet at no charge demonstrates that the marginal cost is not great — certainly it does not approach \$2.30 per minute. The Commission should analyze the marginal cost thoroughly and set a charge, if any, which will exactly offset only that marginal cost.

The Commission should compare any charge which it considers making for access to application and license data against the charges made by International Transcription Service, Inc.; Interactive Systems, Inc.; Industrial Telecommunications Association, Inc.; Washington Radio Reports; the various law firms and independent data providers who use the Gettysburg Public Reference Room; and the charge which the Commission does not make for access to the data via the Internet. The Commission's charges, if any, should not substantially differ from the charges incurred by the public for comparable services, including the Commission's own Internet service. A full analysis of the services which the Commission now provides and proposes to provide, together with a study of related services provided by others, may well lead to the conclusion that the Commission should continue to provide access to the electronic data at no charge and continue to provide access to other information through the Gettysburg Public Reference Room.

#### The Cited Basis For The Proposed Action Does Not Exist

The Commission referred to Section 11 of the Communications Act of 1934, as amended, 47 U.S.C. §161 (Section 11), as its source of authority for the proposed amendment of its Rules. Section 11 provides that

(a) BIENNIAL REVIEW OF REGULATIONS.—In every even-numbered year (beginning with 1998), the Commission—

(1) shall review all regulations issued under this Act in effect at the time of the review that apply to the operations or activities of any provider of telecommunications service; and

(2) shall determine whether any such regulation is no longer necessary in the public interest as the result of meaningful economic competition between providers of such service.

(b) EFFECT OF DETERMINATION.—The Commission shall repeal or modify any regulation it determines to be no longer necessary in the public interest,

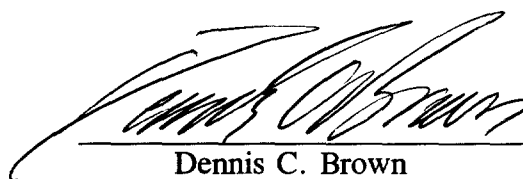
47 U.S.C. §161. Section 11 clearly establishes as a condition precedent to repealing or modifying any regulation in the course of a biennial review that the existing regulation is no longer necessary in the public interest as a result of meaningful economic competition between providers of telecommunications service. The Commission's NPRM did not suggest that meaningful economic competition between telecommunications service providers had had any effect on the necessity of the Commission's existing Rules concerning the Gettysburg Public Reference Room. In the absence of substantial evidence that meaningful economic competition between providers of telecommunications service had relieved the necessity of the Gettysburg Public Reference Room, Section 11 does not provide a source of authority for modification of the Commission's Rules.

The rules which the Commission proposed to modify do not "apply to the operations or activities of any provider of telecommunications service". Rather, the rules which the Commission proposed to modify apply to Commission organization, and not to the operations or activities of any provider of telecommunications service, as such. Therefore, Section 11 does not provide a source of authority for the modification of Sections 0.453 and 0.455 of the Commission's Rules.

Conclusion

For all the foregoing reasons, we support the comments of Comsearch and of BMJD and respectfully request that the Commission continue operation of the Gettysburg Reference Room indefinitely.

Respectfully submitted,



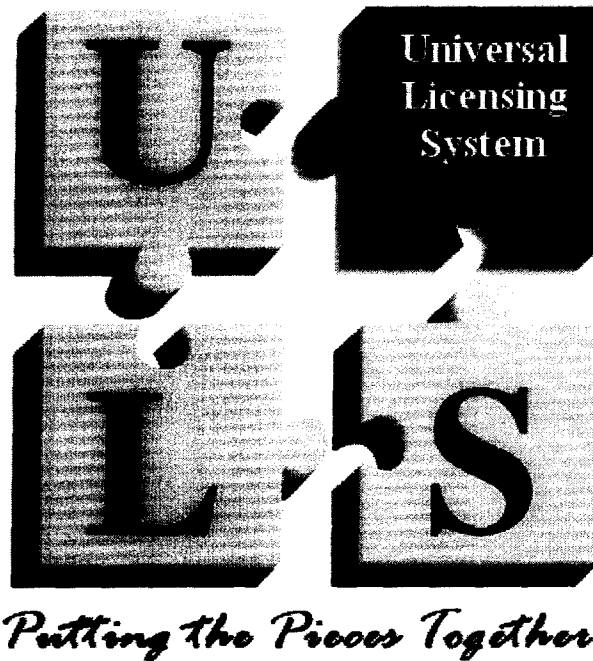
Dennis C. Brown

Brown and Schwaninger  
1835 K Street, N.W.  
Suite 650  
Washington, D.C. 20006  
202/223-8837

Dated: November 19, 1998

## **EXHIBIT I**

---



---

## Commission Adopts Order to Implement Universal Licensing System

In an Order adopted September 17, 1998, the Federal Communications Commission facilitates its implementation of the Universal Licensing System (ULS), and consolidates, revises, and streamlines rules governing application procedures for radio services licensed by the Wireless Telecommunications Bureau.

**News Release** (Word Perfect format)

**Report and Order** (Word Perfect format, zipped format including appendices)

---

## Functions Available in the ULS

The ULS is being developed and implemented incrementally. Read this section to learn what is currently available in the ULS for each service. Application Search, License Search, and Online Filing capabilities are available for:

- Personal Communications Services (PCS) - effective 9/23/98; [Public Notice](#)
  - Wireless Communications Services (WCS)- effective 9/23/98; [Public Notice](#)
  - Offshore Radiotelephone - effective 7/1/98; [Public Notice and Attachments](#)
  - Paging & Radiotelephone - effective 6/1/98; [Public Notice and Attachments](#)
  - Auction 17 - Microwave Local Multipoint Distribution Service
  - Auction 16 - Land Mobile SMR, 806-821/851-866 MHz
- 

## Registering to Use the ULS

Prior to using the Universal Licensing System (ULS), you must submit a one-time registration of your unique identifier and self-assigned password. You may register with the ULS either by using the ULS

Call Sign Registration button or by accessing the ULS application via the PPP Dialer and then using the Online Filing button and selecting the Register Now option. See [Public Notice](#) for details.

---

## Using ULS Call Sign Registration

To register your unique identifier and call signs with the ULS, press the ULS Call Sign Registration button. This option also enables you to update your registration or call sign information.

Refer to the [ULS Registration Help](#) for an overview of the registration process. For additional help refer to [Frequently Asked Questions](#).

---

## C Block Election Filing

The C block election filing period has closed. C block election filings are currently being processed and therefore are not yet available for viewing.

---

## Using ULS Online Filing

If you have registered and wish to use the ULS for online application filing, first use the PPP Dialer to access the FCC wide area network. Press the FCC PPP Dialer button for instructions. Be aware that geographic coordinates provided to the Commission via the Universal Licensing System must be referenced to the North American Datum of 1983 (NAD83). Refer to [converting coordinates](#) for more information.

---

## Using ULS Application Search

Registration is not required to use the ULS Application Search feature. To access ULS Application Search, first use the PPP Dialer to access the FCC wide area network. Press the FCC PPP Dialer button for instructions. Currently, only a subset of Wireless applications are available for viewing through Application Search.

---

## Using ULS License Search

Registration is not required to use the ULS License Search feature. To access ULS License Search, first use the PPP Dialer to access the FCC wide area network. Press the FCC PPP Dialer button for instructions. Currently, only a subset of Wireless licenses are available for viewing through License Search.

---

## Downloading ULS Search Results

ULS now has the capability to download applications listed on the Application Search results page and data for licenses listed on the License Search results page. Refer to File Format for Downloaded ULS

Data ([Word Perfect version](#), [PDF version](#)) for instructions on downloading.

---

## Electronic Batch Filing

The ULS will incorporate functionality to allow users to transmit multiple applications. A [document](#) is provided which contains information on electronic batch filing the FCC Forms 601 and 603. A [spreadsheet](#) is provided which contains the actual record definitions along with a cross reference to the FCC forms.

**Note:** These documents refer to the version of the ULS forms that are included in the ULS Report and Order (text format, Word Perfect format, [zipped](#) with appendices). They are subject to minor revisions as the ULS implementation schedule progresses.

---

## Browser Version

To use the ULS, your computer must be configured with an Internet web browser. The following web browsers have been tested and are compatible with the ULS:

- [Netscape Communicator 4.07 \(preferred\)](#)
- [Netscape Communicator 4.06](#)
- [Netscape Communicator 4.05 with JDK 1.1](#)

In addition, you must install [Adobe Acrobat 3.0 Reader \(or higher\)](#) as a plug-in to your web browser.

Due to the fast pace of change in web browsers, new products are frequently becoming available. As new products are released, we will test them with the ULS and update our list of compatible browsers appropriately. Note: Some of the listed browsers may not be available. Refer to [Help](#) for instructions on downloading browser software and plug-ins. Please read the disclaimer below for important information regarding use of the ULS.

---

## Disclaimer

The Federal Communications Commission makes available this remote software.

The Commission makes no warranty whatsoever with respect to the software. In no event shall the Commission, or any of its officers, employees or agents, be liable for any damages whatsoever (including but not limited to, loss of business profits, business interruption, loss of business information, or any other loss) arising out of or relating to the existence, furnishing, functioning or use of the software.

---

**[|| About ULS ||](#)** **[ULS Call Sign Registration ||](#)** **[C Block Election Search ||](#)**  
**[|| Online Filing ||](#)** **[Application Search ||](#)** **[License Search ||](#)**

---

If you have any comments or questions about this information, please contact our Technical Support Staff at (202)414-1250 or by E-mail at [ulscomm@fcc.gov](mailto:ulscomm@fcc.gov)

Last reviewed/updated: November 5, 1998

## **EXHIBIT II**



**SEARCH RESULTS**

<u>License</u>	<u>Service</u>	<u>Licensee</u>	<u>Company</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
<u>KAE889</u>	MC	DANIEL, FRED	ORION TELECOMM	NEWPORT BEACH	CA	92658
<u>KCE278</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>KPB531</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>KUF732</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>WHW848</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	92658
<u>WRV374</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227

**6 Row(s) were Retrieved**

If you have suggestions for improvements to this application,  
 please contact the FCC at [betacomm@fcc.gov](mailto:betacomm@fcc.gov) or (202) 414-1250.  
 General Menu Reporting System  
 BETA Test Site

**FC Federal Communications Commission**

**ORION TELECOM**

					State	Zip Code
850290	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850291	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850292	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850294	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850295	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850296	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850297	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850298	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850299	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850300	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850301	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850302	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850303	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850304	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850305	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850442	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
850443	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
851426	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	92658
851427	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	92658
851659	MC	ORION TELECOM	FRED DANIEL	NEWPORT BEACH	CA	926589227
851660	MC	ORION TELECOM	FRED DANIEL	NEWPORT BEACH	CA	926589227
851661	MC	ORION TELECOM	FRED DANIEL	NEWPORT BEACH	CA	926589227
851662	MC	ORION TELECOM	FRED DANIEL	NEWPORT BEACH	CA	926589227
851663	MC	ORION TELECOM	FRED DANIEL	NEWPORT BEACH	CA	926589227
851664	MC	ORION TELECOM	FRED DANIEL	NEWPORT BEACH	CA	926589227
851665	MC	ORION TELECOM	FRED DANIEL	NEWPORT BEACH	CA	926589227
851707	MC	FRED DANIEL	ORION TELECOM	NEWPORT BEACH	CA	926589227
851822	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
851823	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
851824	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
851826	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
851827	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
851828	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
851829	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
851830	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
852009	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
852277	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
852278	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
852279	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
852280	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227

<u>852281</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852282</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852284</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852285</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852286</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852287</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852288</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852289</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852290</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852291</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852292</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852293</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852294</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879085</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879086</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879087</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879088</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879089</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879090</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879091</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879092</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879093</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879094</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879095</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879096</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879097</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879098</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227

**67 Row(s) were Retrieved**

If you have suggestions for improvements to this application,  
 please contact the FCC at [betacomm@fcc.gov](mailto:betacomm@fcc.gov) or (202) 414-1250.  
 General Menu Reporting System  
 BETA Test Site

## **EXHIBIT III**



**COAST AND GROUND DATABASE**

					City/State	Zip Code
KAE889	MC	DANIEL, FRED	ORION TELECOMM	NEWPORT BEACH	CA	92658
KCE278	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
KPB531	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
KUF732	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
WHW848	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	92658
WRV374	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227

**6 Row(s) were Retrieved**

If you have suggestions for improvements to this application,  
 please contact the FCC at [betacomm@fcc.gov](mailto:betacomm@fcc.gov) or (202) 414-1250.  
 General Menu Reporting System  
 BETA Test Site

**FC Federal Communications Commission**

**COAST AND GROUND PENDING DB**

					Year State	Zip Code
<u>850290</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850291</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850292</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850294</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850295</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850296</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850297</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850298</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850299</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850300</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850301</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850302</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850303</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850304</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850305</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850442</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>850443</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>851426</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	92658
<u>851427</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	92658
<u>851822</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>851823</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>851824</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>851826</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>851827</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>851828</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>851829</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>851830</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852009</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852277</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852278</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852279</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852280</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852281</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852282</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852284</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852285</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852286</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852287</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852288</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852289</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227

<u>852290</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852291</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852292</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852293</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>852294</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879085</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879086</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879087</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879088</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879089</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879090</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879091</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879092</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879093</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879094</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879095</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879096</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879097</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227
<u>879098</u>	MC	DANIEL, FRED	ORION TELECOM	NEWPORT BEACH	CA	926589227

**59 Row(s) were Retrieved**

If you have suggestions for improvements to this application,  
 please contact the FCC at [betacomm@fcc.gov](mailto:betacomm@fcc.gov) or (202) 414-1250.  
 General Menu Reporting System  
 BETA Test Site

## **EXHIBIT IV**



COAST AND GROUND PENDING DB

					Year/State	Zip Code
<u>851659</u>	MC	ORION TELECOM	FRED DANIEL	NEWPORT BEACH	CA	926589227
<u>851660</u>	MC	ORION TELECOM	FRED DANIEL	NEWPORT BEACH	CA	926589227
<u>851661</u>	MC	ORION TELECOM	FRED DANIEL	NEWPORT BEACH	CA	926589227
<u>851662</u>	MC	ORION TELECOM	FRED DANIEL	NEWPORT BEACH	CA	926589227
<u>851663</u>	MC	ORION TELECOM	FRED DANIEL	NEWPORT BEACH	CA	926589227
<u>851664</u>	MC	ORION TELECOM	FRED DANIEL	NEWPORT BEACH	CA	926589227
<u>851665</u>	MC	ORION TELECOM	FRED DANIEL	NEWPORT BEACH	CA	926589227
<u>851707</u>	MC	FRED DANIEL	ORION TELECOM	NEWPORT BEACH	CA	926589227

8 Row(s) were Retrieved

If you have suggestions for improvements to this application,  
please contact the FCC at [betacomm@fcc.gov](mailto:betacomm@fcc.gov) or (202) 414-1250.  
General Menu Reporting System  
BETA Test Site

## **EXHIBIT V**



# Federal Communications Commission

[PENDING DB]

SITE		0	852282
			Adm
	DANIEL, FRED	ORION TELECOM	
		9810288130054003	NEWPORT BEACH
			Class
CA	926589227	I	FC
			2005
MC	N	N	27
			Appr
Y	L		
			2005
Nov 04, 1998		der	

1 Row(s) were Retrieved

If you have suggestions for improvements to this application,  
please contact the FCC at [betacomm@fcc.gov](mailto:betacomm@fcc.gov) or (202) 414-1250.  
General Menu Reporting System  
BETA Test Site



COAST AND GROUND PENDING DB

FREQUENCY	SWEETMAN LN	852282	0
PERRINVILLE	NJ	MONMOUTH	401331N
0742457W	1	150	340
	FIG 3		

1 Row(s) were Retrieved

If you have suggestions for improvements to this application,  
please contact the FCC at [betacomm@fcc.gov](mailto:betacomm@fcc.gov) or (202) 414-1250.  
General Menu Reporting System  
BETA Test Site

**FCC Federal Communications Commission**

COAST AND GROUND PENDING DBI

M00000217.51250000			00000217.98750000
		A	Nov 04, 1998
-			

1 Row(s) were Retrieved

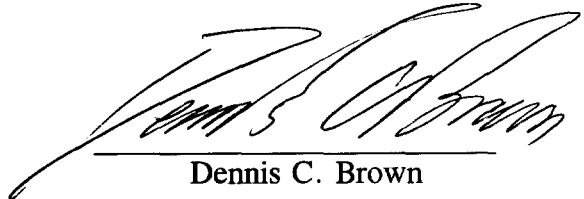
If you have suggestions for improvements to this application,  
please contact the FCC at [betacomm@fcc.gov](mailto:betacomm@fcc.gov) or (202) 414-1250.  
General Menu Reporting System  
BETA Test Site

**CERTIFICATE OF SERVICE**

I hereby certify that on this nineteenth day of November 1998, I served a copy of the foregoing Reply Comments on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

John A. Prendergast, Esq.  
Blooston, Mordkofsky, Jackson  
& Dickens  
2120 L Street, N.W. Suite 300  
Washington, D.C. 20037

Mr. Christopher R. Hardy  
Comsearch  
2002 Edmund Halley Drive  
Reston, Virginia 20191



Dennis C. Brown